

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:04-CR-222-MU

**FILED**  
IN COURT  
CHARLOTTE, N. C.  
MAY 12 2005

UNITED STATES OF AMERICA

v.

JESUS HERNANDEZ-CISNEROS  
Defendant

U. S. DISTRICT COURT  
W. DIST. OF N. C.

**ORDER FOR EVALUATION**

**THIS CAUSE** came on to be heard before the undersigned United States Magistrate Judge on May 12, 2005, pursuant to Defendant's motion for Pretrial Psychiatric or Psychological Examination under 18 U.S.C. 4241(a) and (b). Upon examination of the record, the motion in the case, and the argument of the parties, the Court finds as follows:

1. The defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or unable to assist properly in his defense, or both.
2. There is reasonable cause to believe that the defendant is not competent because he may not have a sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding, and/or he may not have a rational as well as factual understanding of the proceedings against him.

Accordingly, on the basis of the foregoing, **IT IS HEREBY ORDERED** as follows:

1. That, pursuant to 18 U.S.C. 4241, Defendant be placed in a suitable facility, for the purpose of a psychological or psychiatric examination of the Defendant pursuant to 18 U.S.C. 4241(a), to determine, if possible, whether the defendant is competent to stand trial in July of 2005.
2. That a psychiatric or psychological report be filed with the Court, pursuant to the provisions of 18 U.S.C. 4247(b)-(c).

3. That the report of the results of such examination be filed with the Court with copies provided to defense counsel and the United States Attorney as required by 18 U.S.C. 4247(c).
4. That the clerk is directed to certify copies of this Order to defense counsel and the United States Attorney, and three additional copies to the United States Marshal for his records and for transmittal to the Warden of the designated institution.

SO ORDERED, this the 12<sup>th</sup> day of May, 2005.

D. C. K.  
UNITED STATES MAGISTRATE JUDGE